

and in other immediate conditions.

"From the time this commission got under way there has been a persistent effort to call off the Commission of Charities, to slander him, to intimidate him and to intimidate the Mayor.

The prime movers in this have been Potter, Father Farrell, Mr. Hebbard and other Catholic clergymen who have seen fit to join in this work.

John M. Bowers sent to Senator Thompson today a strong letter of protest against allowing Mayor Mitchell to testify in detail about the tapping of telephones and the conversations overheard in connection with the late charities investigation.

This was when the wires of the Rev. William B. Farrell and of Dr. Daniel C. Potter and his son, Dean Potter, were tapped and detectives "listened in" on them and made records that were put in evidence at the charities inquiry.

After a brief public hearing this morning the Thompson Committee went into executive session to hear several public officials and uniformed officers testify about tapping the telephone wires of Coney Island pool-rooms.

At the public hearing Frank Moss, counsel, read the testimony given in executive session yesterday by Calvin Van Name, President of the Borough of Richmond. Mr. Van Name complained of the inefficiency of the Public Service Commission in helping the people of Staten Island to get better transportation. The Commission ordered extensions of a car line on Coney Island Avenue, but nothing was done, even after three court orders had been made.

"And the Public Service Commission seemed to have no power to enforce their orders," Mr. Van Name continued. "We have been under heavy expense for our share of its upkeep. It produces nothing for us, and it is one of the causes of the strong feeling on Staten Island for secession. A straw vote on the question of secession was taken a few days ago at the ferry-house and in the theatres of Staten Island and resulted in a vote of 4 to 1

in favor of Staten Island seceding from the greater city and incorporating as the City of Staten Island."

Commissioner Kingsbury and Mr. Hotchkiss, accompanied by Martin W. Littleton, their counsel, called on Mayor Mitchell at 12.15 o'clock today and held a lengthy conference with him.

"Have you any statement to make?" Commissioner Kingsbury was asked. "Mr. Littleton will do whatever talking is to be done," replied Commissioner Kingsbury.

"I have said everything that is to be said in court," said Mr. Littleton. Mr. Littleton was asked if there was any special significance in the visit to the Mayor.

"We're just paying our respects," he replied with a smile.

Deputy Charities Commissioners Henry C. Wright and William J. Doherty accompanied Commissioner Kingsbury to the entrance of the Mayor's private office. There they waited while counsel and the indicted men conferred with the Mayor and their attorney inside. Twenty minutes later Doherty was called inside and Wright was left cooling his heels on the bench outside.

Each indictment contains three counts. District Attorney Lewis furnished the Grand Jury with the interpretation of the law on which the indictments are based. In explaining the law, he said:

"Section 1428, subdivision 6, of the Penal Law, in substance provides so far as applicable to the tapping of telephone wires: 'A person who willfully and unlawfully taps a telephone wire is guilty of a crime, the punishment for which is imprisonment for not more than two years.' The Legislature in enacting that section evidently had in mind a distinction between unlawful and willful tapping and tapping which is legal. The distinction apparently is between tapping which is for the purpose of detection of crime and criminals, and tapping to satisfy personal curiosity."

**WOODBINE RESULTS.**

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## BIG AUSTRIAN GUNS CAUSE AVALANCHES IN MOUNTAIN FIGHT

Detonation of Heavy Cannon Battering Italian Lines Shakes Alpine Peaks.

FORTS ARE ATTACKED.

Desperate Fighting Reported on Entire Tyrol Front as Drive Continues.

VIENNA, May 23.—Italian troops have evacuated positions at Borg before the Austrian advance, the War Office announced this afternoon.

The War Office also announces the capture of the Italian fortified position of Monte Velna. The number of cannon captured since May 16 has risen to a total of 188.

GENEVA, May 23.—Despite the most stubborn resistance the armies of the Austrian Crown Prince are pressing steadily forward against Vienna, the Italian "Verdun," on the first anniversary of Italy's declaration of war.

Austrian artillery has begun a bombardment of the snow capped peak of Monte Pasubio, twenty-one miles northwest of Vienna. The position has been strongly fortified by the Italians. It bars the northern entrance into the valleys leading directly into the northern Italian plains less than ten miles distant.

The whole Tyrol front is now the scene of most desperate fighting. South of Rovereto the Italians are making a stand near Sereavalle, captured by their advance up the Adige Valley last summer. Italian guns on the ridge of Mont Baldo are sending great shells screaming across the intervening gorges against the attacking enemy forces.

East and southeast of Rovereto the Austrians have crossed to Italian soil at three different places. Rome reports furious fighting in this region of see-saw character, with hand-to-hand struggles first on the Italian and then on the Austrian side of the border.

The latest Rome despatches reiterate the expressions of confidence in the outcome of the battle in southern Tyrol. Italian military critics believe the Austrians drove southward solely to divert the Italians from a great offensive on the Isonzo line, and that the attacking forces must soon abandon the offensive because of heavy losses.

It is reported here the German Emperor is soon to pay a visit to the Austro-Italian front.

The Austrians have transferred to the Italian front a number of 331 and 420 millimeter guns. The latter cannon have been taken from the battleships which have been bottled up in the harbor of Pola since the beginning of the war.

The detonations of these enormous cannon seem to actually split the Alpine peaks, causing frequent avalanches. But in spite of the terrific bombardment which is going on day and night, and the reckless expenditure of ammunition by the Austrians, their further advance seems impossible in view of the positions which the Italians hold tenaciously.

Dr. R. W. Muller of No. 10 East Fifty-eighth Street told of guaranteeing his acquaintance, Waite, to Richard H. Timmerman, a druggist, as a proper purchaser of arsenic March 9, Timmerman, following, related the sale to Waite of 90 grains of arsenic "to kill cats." The poison cost Waite 25 cents. Timmerman's clerk, Robert C. Schnabel, corroborated his employer.

**SAYS WAITE STUDIED POISON ON HONEYMOON.**

Dr. Jacob E. Cornell of Somerville, N. J., a lifelong friend of John E. Peck, told of calling at the Waite apartment, March 11, the day before Mr. Peck died. He saw Dr. Waite, who had gone out "to get medicine," go into Mr. Peck's room. Immediately afterwards he heard groans from the room in which he had left Mr. Peck.

The next day, on hearing of Mr. Peck's death, Dr. Cornell went to Waite's house. Waite met him at the door, he said, but did not ask him in. Waite was excited, saying: "Why did you come?"

"I explained I thought it was proper for a gentleman to offer sympathy and he walked away, so we could go in."

Arthur C. Swinton of Somerville covered the same incidents. He said also he saw Waite at the Hotel Plaza on Feb. 20 with a woman.

"Is Mrs. Horton in the room?" asked Mr. Horton.

Mrs. Horton had gone out. Swinton said Waite entered the Plaza dining room, with his companion, bowed to Swinton and the head waiter and took the woman to a distant table. He then returned to the dining room.

Peck's death, and said he had "just performed a very delicate operation at Bellevue Hospital," from which he had just come uptown in his car, and explained his companion was his "private nurse," who had aided in the operation.

This was the third time in the testimony Waite was described as explaining awkward situations by saying he was going to or coming from an "important operation," though he was neither a physician nor a surgeon and would have committed a crime had he attempted an operation.

Dr. Leon G. Moos, agent for the Parke-Davis drug manufacturing concern, said Dr. Waite tried to arrange with him in October last, within three weeks of his marriage to Clara Peck, to buy virulent bacilli of typhoid fever and diphtheria "for research work." Dr. Moos said he referred the defendant to the laboratories.

Billheads of the Parke-Davis Company for disease-impregnated serums apparently purchased by Waite were identified by the witness.

John S. Potter, a New York undertaker engaged by Waite to prepare Mr. Peck's body for removal to Grand Rapids, testified Waite summoned him to the Riverside Drive home a week after Mr. Peck's death and said "they were trying to make trouble about Mr. Peck's death," and he wanted to know what was in the embalming fluid. Potter said Kane had done the embalming and he would send Kane to Waite the next morning.

Kane, who planted \$9,000 of Waite's money at Orient Point Lighthouse, Long Island, and never could dig up more than \$7,500 of it, was the next witness. He told of Waite's effort to get him to put arsenic into a sample of embalming fluid to fool the District Attorney's men into believing the poison was after death.

District Attorney Swann was to-day informed that while Waite was still on his honeymoon he commenced study the effects of poison on the human system. Dr. Louis Heitsman, No. 110 West Seventy-eighth Street, in a statement to Assistant District Attorneys Dooling and Brothers, said Waite came to him to take up this study and said he was a young physician of wealth, not under the necessity of practicing, and that he wanted to make a special study of poisons. Dr. Heitsman will be called as a witness.

**CLOSING QUOTATIONS.**

With net changes from previous closing.

Alaska Gold Mine. High. Low. Last. Change.

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## DR. WAITE FORETOLD THE FATE OF SECOND VICTIM, IS TESTIMONY

(Continued from First Page.)

the son of the dead man, on receipt of a telegram from a tenant of the Colosseum apartment in New York, who had seen Waite at his two murderous tasks and had become suspicious.

Dr. Vaughan said he had never before studied the effects of arsenic in the case of a human being.

"I have frequently killed animals with arsenic," he said, "and have dissected them and studied the conditions existing in their organs. I have read many authorities on the subject and have written a number of articles regarding arsenic poison myself."

**TESTIFIES HE FOUND ARSENIC IN PECK'S STOMACH.**

In Mr. Peck's stomach, said Dr. Vaughan, he found minute white specks, which he recognized as evidence of arsenic poisoning. He found the lining of the stomach corroded and eaten away.

Q. What is the minimum quantity of arsenic which will cause death to a human being? A. From two to two and one-half grains in the least quantity. But considerably more may fall to cause death.

Q. How is that to be accounted for? A. The stomach may reject the poison immediately. Everything is relative.

Q. How long after it is administered will arsenic cause death? A. Six to eight hours, I should say.

Cross examination by Mr. Deuel: Q. Suppose death ensued three days after the arsenic was first administered and the doses were continued from time to time? A. I can only repeat that two grains or more might cause death at any time after eight hours up to several days, when the whole quantity was accumulated in the organs at one time.

Dr. Otto H. Schultze, medical assistant to the District Attorney, corroborated Dr. Vaughan's analyses and judgment. Dr. Schultze was sent to Grand Rapids with Assistant District Attorney F. W. X. Mayne, to examine the body of John E. Peck, who had been murdered, that Mr. Peck had been murdered was first made known to the authorities here.

Dr. Schultze, in qualifying to express an expert opinion on the results of his second autopsy on the body of Mr. Peck, said that, as Coroner's Physician and medical assistant, he had performed over 5,000 autopsies in the last twenty years. He had not the slightest doubt as to his findings in the present case, which were the same, though more detailed, as those reached by Dr. Vaughan.

Percy Peck, young, grief stricken and grimly angry, son of John E. Peck; his wife and his aunt, Miss Katharine Peck of the Park Avenue Hotel, who intrusted young Waite with \$40,000 in cash for investment, sat together. Percy Peck and Miss Katharine Peck rose to be identified by Drs. Vaughan and Schultze as having authorized the post-mortem examinations.

Dr. Schultze was interrupted to put on the stand Dr. Stanley R. Benedict of Douglas Manor, Professor of Chemistry at the Cornell University Medical College here. He told of subjecting certain specimens furnished by Schultze to minute tests.

He found unmistakable traces of arsenic in them. In one very small section of the intestines he found .45 of a grain of white arsenic. In a portion of the lower intestines he found .51 of a grain of white arsenic.

In a part of the stomach he found 1.76 grains. These quantities were found in the tissues and did not include a quantity of white sediment turned over to Dr. Schultze without analysis. There were also traces of arsenic in other organs, and both arsenic and chloroform in the brain. The District Attorney promised in his opening to prove Waite hastened Mr. Peck's death by putting a chloroform soaked napkin over the old man's face, pressed down by a pillow.

The Cornell University expert explained his tests of samples of embalming fluid furnished by John S. Potter and Eugene O'Kane. He found no chloroform or arsenic in the embalming fluid when it was subjected to the same processes which were applied to the brain tissues of Mr. Peck.

"Could the death of Mr. Peck," was Mr. Deuel's only question on cross-examination, "have been caused

Don't Let Soap Spoil Your Hair

When you wash your hair, be careful what you use. Most soaps and prepared shampoos contain too much alkali, which is very injurious, as it dries the scalp and makes the hair brittle.

The best thing to use is just plain mulled coconut oil, for this is pure and entirely greaseless. It's very cheap, and costs the most expensive soap or anything else all to pieces. You can get this at any drug store, and a few ounces will last the whole family for months.

Simply moisten the hair with water and rub it in, about a teaspoonful is all that is required. It makes an abundance of rich, creamy lather, cleanses thoroughly, and rinses out easily. The hair dries quickly and evenly, and is soft, free looking, bright, fluffy, wavy and easy to handle. Besides, it loosens and takes out every particle of dust, dirt and dandruff.—Advt.

## BROOKLYN GIRL WHO WILL BE WED TO-MORROW TO JAMES F. M'DONNELL.

One of the most notable weddings to be celebrated this week will be that to-morrow of Miss Anna Loretta Murray, daughter of Mr. and Mrs. Thomas E. Murray of No. 733 St. Mark's Avenue, Brooklyn, to Mr. James F. McDonnell of the Hotel Gotham, Manhattan. The ceremony is set for 11 o'clock in the morning in the Church of Our Lady of Victory, Brooklyn. Afterward there will be a reception in the home of the bride's parents.

by chloroform in the quantity in which you found it present?"

"I could give no opinion as to that," was the reply. Mr. Deuel seemed very well pleased.

Dr. Schultze, recalled, said the white powder taken from Mr. Peck's organs was white arsenic. There were 5.25 grains found altogether. Death was due, he said, to white arsenic poisoning and that alone.

Q. Assume that a chloroformed cloth was laid on Mr. Peck's face when he was in pain or in convulsions as the result of the poisoning; assume this cloth was pressed down by a pillow—would that alter your conclusion as to the cause of death? A. Not in the least.

From Dr. Schultze Assistant District Attorney Brothers got a striking account of the methodical collection of evidence. Dr. Moore, attending Mr. Peck in the week before his death, prescribed a blamuth mixture. These doses of blamuth were discontinued Saturday morning by Dr. Moore's order. There was still blamuth in Mr. Peck's body when he died Sunday morning.

But the autopsy showed arsenic had been administered until after the blamuth doses had ceased. The arsenic, in all the physical processes, was following the blamuth. By this means the prosecution seeks to corroborate the circumstantial and direct evidence of other witnesses as to the time when Waite gave his father-in-law the fatal dose of poison.